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October 6, 2022

Via ECF

The Honorable John G. Koeltl
 United States District Judge
 500 Pearl Street
 United States Courthouse, Courtroom 14A
 New York, NY 10007

Re: *Grant et al. v. Trump et al.*, Case No. 1:20-cv-07103-JGK

Dear Judge Koeltl:

This firm represents plaintiffs Edmond Grant p/k/a "Eddy Grant", Greenheart Music Limited, a United Kingdom Limited Company, and Greenheart Music Limited, an Antigua and Barbuda Limited Company ("Plaintiffs") in the above-referenced action against defendants Donald J. Trump ("Trump") and Donald J. Trump For President, Inc. (the "Company," and together with Trump, "Defendants"). We write pursuant to Your Honor's Individual Practices Rule I.E. to request an extension of the fact discovery end date currently scheduled for today, October 6, 2022. This is the fourth request for an extension to the discovery end date, for which Plaintiffs have good cause.

As you will recall, on August 16, 2022, for the first time, Defendants represented that they would not be able to locate a corporate representative to testify on behalf of the Company and thus would not be producing a 30(b)(6) witness or witnesses to respond to Plaintiff's deposition notice (a copy of which is attached hereto as Exhibit 1). Then, on August 18, 2022, Defendants disclosed that the Company dissolved in October of 2021.

Given these developments, on August 20, 2022, Plaintiffs requested an extension (which was so ordered on August 22, 2022, *see* ECF Doc. No. 70) to serve a subpoena on Dan Scavino, who was the former deputy chief of staff under President Trump's administration and social media director for the Trump campaign, and who Defendants represented had a role in the alleged tweet containing the infringing video that is central to this action. Following the Court's Order, Plaintiffs attempted to serve a subpoena on Mr. Scavino and have contacted Mr. Scavino's counsel, who will agree to accept service of the subpoena, waive any objection to service, and will agree to discuss Mr. Scavino's appearance at a deposition at a mutually agreeable time in the future. Mr. Scavino reserves all rights to object to or move to quash the subpoena on non-service related grounds.

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Deadline to complete all fact discovery is 12/30/22. Deadline for all expert discovery is 2/24/23. Dispositive motions due 3/17/23, or 21 days after decision on pre-trial Order due 4/7/23, or 21 days after decision on any dispositive motion. Ready for trial 48 hr. notice, 21 days after submission of joint pre-trial Order. SO ordered 10/6/22

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However, given the deponent's schedule and that of Mr. Scavino's counsel, who is presently conducting a multiple week jury trial, Plaintiffs seek a 90 day extension to January 4, 2023 to schedule the deposition of Mr. Scavino or move to compel if a motion to quash is filed.

Plaintiffs respectfully request that the Court so order the requested extension in this letter motion if it finds the same acceptable.

We thank the Court for its attention to this matter.

Respectfully submitted,

s/ Brett Van Benthysen

Brett Van Benthysen

cc: Counsel of Record
Stanley Woodward, Esq. (via email)